

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JOSEPH LEWIS PRICE,

Plaintiff,

v.

Case No. 22-cv-11872
Hon. Matthew F. Leitman

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

/

**ORDER DIRECTING PLAINTIFF TO SUPPLEMENT
MOTION TO AMEND COMPLAINT (ECF No. 12)**

On August 12, 2022, Plaintiff Robert Price, an inmate at the St. Louis Correctional Facility in St. Louis, Michigan, brought this *pro se* action under 42 U.S.C. § 1983. (See Compl., ECF No. 1.) Price named three Defendants in his complaint: (1) the Michigan Department of Corrections (“MDOC”), (2) St. Louis Central Correctional Facility, and (3) Bellamy Creek Correctional Facility. He alleges, among other things, that MDOC officials violated his First and Fourteenth Amendment Rights by wrongfully finding him guilty of misconduct and imposing disciplinary sanctions.¹

¹Price has been incarcerated at both the St. Louis Correctional Facility and the Bellamy Creek Correctional Facility, and brings claims against both facilities arising out of separate events that occurred when he was housed at the two facilities. (See Order, ECF No. 11, PageID.123.)

On December 5, 2022, the Court entered an order directing Price to show cause why this action should not be summarily dismissed. (*See Order*, ECF No. 11.) In that order, the Court explained that Price's complaint failed to state an actionable claim against any of the three named Defendants. Specifically, the Court explained that the MDOC, the St. Louis Correctional Facility, and the Bellamy Creek Correctional Facility are not entities subject to a § 1983 suit. *See Anderson v. Morgan Cty. Corr. Complex*, No. 15-6344, 2016 WL 9402910, at * 1 (6th Cir. Sept. 21, 2016) ("A state prison is not a 'person' subject to suit under § 1983."). The Court further explained that the MDOC, along with its prison facilities, is immune from suit under the Eleventh Amendment. *See Brown v. Washington*, No. 19-1308, 2020 WL 1492020, at *2 (6th Cir. Mar. 16, 2020) ("[A]s an arm of the State, the Michigan Department of Corrections is absolutely immune from suit under the Eleventh Amendment."). Accordingly, the Court gave Price 30 days to show cause why his complaint should not be dismissed for failure to state a claim.

Price has now filed a Motion to Amend his Complaint. (*See Mot.*, ECF No. 12.) In that motion, Price seeks to amend his Complaint by adding a number of individual MDOC officials and employees as named Defendants. (*See id.*, PageID.128-129.)

Price did not attach a proposed amended complaint to his motion, as required by E.D. Mich. Local Rule 15.1. Under that rule, and as relevant here, “[a] party who moves to amend a pleading shall attach the proposed amended pleading to the motion.” E.D. Mich. L.R. 15.1. The rule requires the attachment of a proposed amended pleading because the Court must review that pleading before determining whether to permit its filing. Because Price’s Motion to Amend does not comply with Local Rule 15.1, the Court **ORDERS** Price to **SUPPLEMENT** the motion by filing with the Clerk of Court a copy of the proposed Amended Complaint he seeks to file. Price shall file such supplement by **March 6, 2023.**

The Court reminds Price that in his proposed Amended Complaint, he must, among other things, specifically allege how each named defendant individually violated his Constitutional rights. The Court further directs Price to review and consider whether he may bring all of the claims against all of the Defendants in a single action. *See* Fed.R.Civ.P. 18 & 20. Finally, the Court informs Price that this action may be dismissed if he fails to timely supplement as ordered herein.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 4, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 4, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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